

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In Re: Lewis E. Wilkerson, Jr.,  
Debtor.

Case No. 20-34576-KLP  
Chapter 11 v

DEBTORS'S APPLICATION TO RETAIN AND EMPLOY CANFIELD WELLS, LLP AS COUNSEL  
FOR DEBTOR, LEWIS E. WILKERSON, JR.

The above-captioned Debtor and Debtor-in-Possession (the "Debtor" and/or "Lewis E. Wilkerson, Jr."), pursuant to Section 327 of the Bankruptcy Code, 11 U.S.C Section 101 et seq. (the "Bankruptcy Code" and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules")), hereby applies to the Court for entry of an order authorizing it to retain and employ Canfield Wells, LLP as counsel in this Chapter 11 case. In support of this Application, the Debtor submits (a) the Affidavit of Robert A. Canfield, a partner of Canfield Wells, LLP (the "Attorney's Affidavit"), which is attached hereto as Exhibit A and is incorporated herein by reference and (b) the Disclosure of Compensation of Canfield Wells, LLP (the "Disclosure of Compensation"), which is attached hereto as Exhibit B and incorporated herein by reference. A copy of the Debtor's retainer agreement which is attached here to as Exhibit C and incorporated herein by reference, and respectfully represents as follows:

BACKGROUND

1. On November 17, 2020 (the "Petition Date"), the Debtor filed a petition for relief under Chapter 11 of the Bankruptcy Code.
2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. Sec. 157(b)(2).

Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Fax: (804) 673-6604  
*Counsel for Debtor*

RELIEF REQUESTED

3. The Debtor desires to retain and employ Canfield Wells, LLP as counsel in his Chapter 11 case, pursuant to Section 327 of the Bankruptcy Code, to represent the Debtor in all of the legal aspects of his Chapter 11 proceeding on terms and subject to the conditions described below, as of the Petition Date. The Debtor has selected as his counsel Canfield Wells, LLP because of their experience in representing Debtors in Chapter 11 proceedings and their experience and knowledge of the Debtor's legal affairs.

SERVICES TO BE PROVIDED BY CANFIELD WELLS, LLP

4. The Debtor anticipates Canfield Wells, LLP will render general legal services to the Debtor as needed throughout the course of this Chapter 11 case, including bankruptcy and restructuring, corporate, employee benefits, employment, environmental, finance, litigation, securities, tax assistance, and advice.

PAYMENT OF FEES AND EXPENSES

5. Subject to the Court's approval, Canfield Wells, LLP intends (a) to charge for their legal services on an hourly rate in accordance with ordinary and customary hourly rates in effect on the date services are rendered and (b) to seek reimbursement of actual and necessary out-of-pocket expenses.

The names, positions, and current hourly rates of Canfield Wells, LLP and paraprofessionals currently expected to have primary responsibility for providing services to the Debtor are as follows:

Robert A. Canfield of Canfield Wells, LLP	\$450.00/hr.
Hunter R. Wells of Canfield Wells, LLP	\$250.00/hr.
Legal Assistants/Paralegals	\$100.00/hr.

Canfield Wells, LLP will maintain contemporaneous records of time and any actual and necessary expenses incurred in connection with the rendering of the legal services described above by category and nature of the services rendered. Specifically, Canfield Wells, LLP intends to apply to the

Court for payment of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of this Court, and pursuant to any additional procedures that may be established by the Court in these cases.

6. Thus far, the Debtor has provided Canfield Wells, LLP with \$15,000 towards payment of legal services and filing costs.

7. To check and clear potential conflicts of interest in this case, Canfield Wells, LLP has researched its client database to determine whether they had any relationship with the following entities (collectively, the “Interested Parties”):

- (a) the Debtor and any non-Debtor affiliated;
- (b) the Debtor’s directors and officers and certain major business affiliations;
- (c) the Debtor’s twenty largest unsecured creditors, as identified in his Chapter 11 petition;
- (d) other material trade creditors, lessors, and licensors of the Debtor;
- (e) parties to significant litigation with Debtor;
- (f) the attorneys and other professionals that the Debtor has identified for employment in this Chapter 11 case in applications filed on the petition date or anticipated to be filed shortly thereafter;
- (g) the parties to any collective bargaining agreements and other material contracts with the Debtor;
- (h) the Debtor’s material secured lenders and their professionals;
- and
- (i) any other significant parties of interest.

Notwithstanding this inquiry and investigation, if Canfield Wells, LLP discovers additional information that requires disclosure, Canfield Wells, LLP will file a supplemental disclosure with the Court as promptly as possible.

8. After conducting the investigation discussed above, neither the Debtor nor Canfield Wells, LLP believes, to the best of their knowledge, that Canfield Wells, LLP has any connection with the Debtor, his creditors, the United States Trustee (the “Trustee”), or any other party with an actual or potential interest in this Chapter 11 case or their respective attorney or accountants, except as described herein or in the Affidavits.

9. Based on the foregoing, and to the best of the Debtor’s knowledge, information, and belief, Canfield Wells, LLP neither holds nor represents any interest adverse to the Debtor or his respective estate in this matter for which Canfield Wells, LLP are proposed to be retained. Accordingly, the Debtor believes that Canfield Wells, LLP is a “disinterested person,” as defined in Section 101(14) of the Bankruptcy Code and as required by Section 327(a) of the Bankruptcy Code. The Debtor submits that his employment of Canfield Wells, LLP would be in the best interest of the Debtor and his estate and creditors.

#### FEE APPLICATION

10. As described above, Canfield Wells, LLP intends to apply to the Court for allowance of compensation and reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and Local Rules of this Court and pursuant to any additional procedures that may be established by the Court in this case.

#### NOTICE

11. No trustee, examiner, or creditors’ committee has been appointed in this Chapter 11 case.

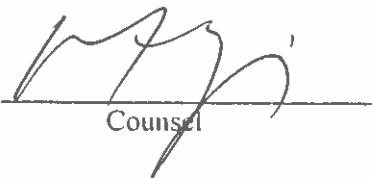
12. Pursuant to Local Rule 2014-1, notice of this Application has been given to: (a) the United States Trustee; (b) all unsecured creditors, as identified in this Chapter 11 petition; and (c) the Debtor’s secured creditors.

WAIVER OF LOCAL RULE 9013-1(G)

13. Pursuant to Local Rule 9013-1(G), and because there are no novel issues of law presented in the Application, the Debtor requests that the requirement that all applications be accompanied by a written memorandum is waived.

**WHEREFORE**, the Debtor respectfully requests that the Court enter a proposed Order, a draft copy which is attached hereto as Exhibit D, authorizing the Debtor to retain and employ Canfield Wells, LLP as his attorney and legal counsel in this Chapter 11 case, pursuant to Section 327 of the Bankruptcy Code, of the Petition Date, and granting such other and further relief as the Court may deem proper.

LEWIS E. WILKERSON, JR.

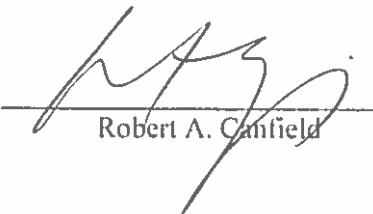
By:   
Counsel

Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Fax: (804) 673- 6604  
*Counsel for Debtor*

CERTIFICATE OF SERVICE

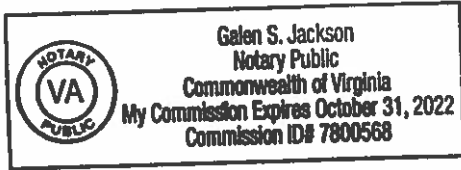
I hereby certify that on the 2<sup>nd</sup> day of December, 2020, a true copy of the Debtor's Application to Retain and Employ Canfield Wells, LLP as Counsel for Debtor was served electronically or by first-class mail to the parties on the attached list.

See attached creditors list

  
Robert A. Canfield

STATE OF VIRGINIA;  
COUNTY OF HENRICO, to wit:

Subscribed and sworn to before me this 2<sup>nd</sup> day of December, 2020.



Galen S. Jackson  
Notary Public

Exhibit A

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In Re: Lewis E. Wilkerson, Jr.,  
Debtor.

Case No. 20-34576-KLP  
Chapter 11 v

ATTORNEY'S AFFIDAVIT

STATE OF VIRGINIA;

County of Henrico, to-wit:

Robert A. Canfield, having first been duly sworn, deposes and says:

1. I am a partner/attorney with the law firm Canfield Wells, LLP, located in Henrico and a member of the Bar of this Court.

2. Lewis E. Wilkerson, Jr., the Debtor in the captioned proceeding, has retained Canfield Wells, LLP to give advice and assistance in contemplation of this case and as to the actual preparation of the filing of the case; and, thereafter, to assist the Debtor in the discharge of his duties as a Debtor-in-Possession; in formulating a plan of reorganization; in representing the Debtor's interest in adversary proceedings and contested matter; and to render such other services as become necessary in the course of the reorganization case, subject to this Court's approval.

3. To the best of my knowledge and belief, formed after reasonable inquiry, Canfield Wells, LLP does not represent or have any relationship to any of the Debtor's creditors, the United States Trustee or its employees, or any other party in interest, or their respective attorneys or accountants.

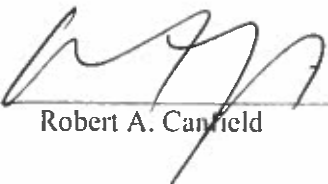
Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Fax: (804) 673-6604  
*Counsel for Debtor*

4. In accordance with the requirements of 11 U.S.C. Sec. 329(a) and Bankruptcy Rule 2016(b), the affiant states that Canfield Wells, LLP has been paid or retained for \$15,000.00 by Lewis E. Wilkerson, Jr., of which \$1,717.00 was used for filing fees.

5. Canfield Wells, LLP has entered into written agreement with the Debtor regarding the services to be performed in contemplation of and in connection with this case and the compensation to be paid for such services.

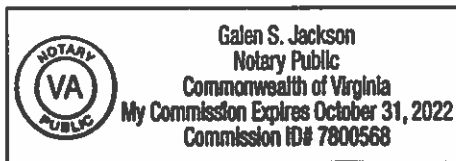
6. Except as set forth in the Debtor's Application, Canfield Wells, LLP has not agreed to share any compensation received in this matter with any other person or entity, nor has Canfield Wells, LLP received or agreed to receive any compensation in connection to this case, except as set forth herein.

And further I say not.

  
Robert A. Canfield

STATE OF VIRGINIA;  
COUNTY OF HENRICO, to wit:

Subscribed and sworn to before me this 2<sup>nd</sup> day of December, 2020.



  
Notary Public

Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone (804) 673-6600  
Fax (804) 673-6604  
*Counsel for Debtor*



**Exhibit B**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In Re: Lewis E. Wilkerson, Jr.,  
Debtor.

Case No. 20-34576-KLP  
Chapter 11 v

DISCLOSURE OF COMPENSATION OF CANFIELD WELLS, LLP

Pursuant to Section 329 of the Bankruptcy Code, 11 U.S.C. Secs. 101 et seq. (the “Bankruptcy Code”) and Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Robert A. Canfield certifies as follows:

1. I am a partner/shareholder in the firm Canfield Wells, LLP and am duly authorized to make this Disclosure of Compensation of Canfield Wells, LLP in connection with the Debtor’s Application to Retain and Employ Canfield Wells, LLP as counsel (the “Application”). The facts set forth in this Disclosure of Compensation are personally known to me and, if called as a witness, I could and would testify thereto.

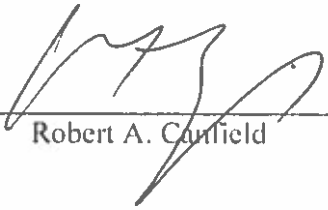
2. Canfield Wells, LLP has been paid a retainer of \$15,000.00, paid by Lewis E. Wilkerson, Jr.

3. Neither I, nor Canfield Wells, LLP, nor any partner or associate thereof has received or been promised any compensation for legal services rendered or to be rendered in any capacity in connection with the Debtor’s Chapter 11 case, other than as permitted by the Bankruptcy Code.

4. Canfield Wells, LLP has not agreed to share compensation received in connection with this case with any other person, except as permitted by Section 504(b) of the Bankruptcy Code and Bankruptcy Rule 2016 in respect of the sharing of compensation among Canfield Wells, LLP partners/shareholders.

Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Fax: (804) 673-6604  
Counsel for Debtor

Dated: December 2, 2020

  
\_\_\_\_\_  
Robert A. Canfield

Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Fax: (804) 673-6604  
*Counsel for Debtor*

**Exhibit C**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In Re: Lewis E. Wilkerson, Jr.,  
Debtor.**

**Case No. 20-34576-KLP  
Chapter 11 v**

**RETAINER AGREEMENT- Lewis E. Wilkerson, Jr., Debtor**

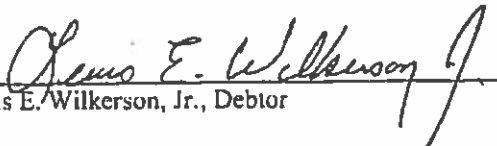
**THIS AGREEMENT made and entered into this 2<sup>nd</sup> day of December, 2020, by and between Canfield Wells, LLP hereinafter referred to as "Attorneys", and Lewis E. Wilkerson, Jr., hereinafter referred to as the "Client."**

**That for and in consideration of the mutual covenants contained herein, the parties hereby agree as follows:**

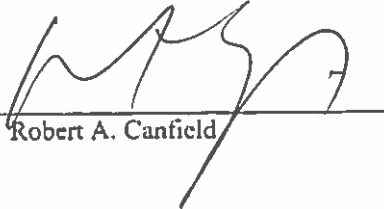
- 1. Attorneys will represent Client in certain legal matters as counsel, to-wit: bankruptcy.**
- 2. Client will pay Attorney for their services as follows: a rate of \$450.00 an hour**
- 3. Client agrees to reimburse Attorney for all expenses for court costs, medical examinations, printing and any other expenses arising out of said representation by Attorney.**
- 4. Client understands that Attorney cannot effectively represent Client without the cooperation and total honesty of Client, and accordingly, Client agrees to be open, cooperative and honest with Attorney in all matters.**
- 5. Client acknowledges being fully advised on the availability of and information about other counsel, including court-appointed counsel where appropriate, and after due consideration, Client desires to have Attorneys represent him as his counsel, and therefore enters into this Agreement. Client further acknowledges that Attorneys have advised Client of the complex nature of the above described litigation and that the attorneys cannot promise or predict any outcome.**

6. Client agrees that Attorneys may withdraw from this matter at any time, for any reason or no reason. Secondly, Attorney agrees that the client may terminate Attorney, for any reason or no reason, pending approval of the court.

Seen and agreed to this 2nd day of December, 2020.

  
\_\_\_\_\_  
Lewis E. Wilkerson, Jr., Debtor

Canfield Wells, LLP

By:   
\_\_\_\_\_  
Robert A. Canfield

Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Fax: (804) 673-6604  
*Counsel for Debtor*

**Exhibit D**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In Re: Lewis E. Wilkerson, Jr.,  
Debtor.

Case No. 20-34576-KLP  
Chapter 11 v

ORDER AUTHORIZING DEBTOR TO RETAIN AND EMPLOY CANFIELD WELLS, LLP  
AS COUNSEL FOR DEBTOR, LEWIS E. WILKERSON, JR.

This matter came before the Court upon the Debtor's Application to Retain and Employ Canfield Wells, LLP as Counsel for Debtor, Lewis E. Wilkerson, Jr. The Court, having reviewed (i) the Application, (ii) the Affidavit of Robert A. Canfield, a partner/shareholder of Canfield Wells, LLP, attached to the Application as Exhibit A, and (iii) the Disclosure of Compensation of Canfield Wells, LLP, and the Court being fully advised in the premises and having determined that the legal and factual bases set forth in the Application, the Affidavit, and the Disclosure of Compensation, establish just cause for the relief granted herein;

THE COURT HEREBY FINDS THAT:

- A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Secs 157 and 1334.
- B. This is a core proceeding pursuant to 28 U.S.C. Sec. 157(b)(2).
- C. Notice of the Application (and service of the proposed order) was sufficient.
- D. The Application, the Affidavit, and the Disclosure of Compensation are in full compliance with all applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of this Court. Canfield Wells, LLP does not hold nor represent any interest adverse to the Debtor's estate and is a "disinterested person," as defined in Section 101(a) of the Bankruptcy Code and as required by Section 327(a) of the Bankruptcy Code.

E. The Debtor's employment of Canfield Wells, LLP as counsel is in the best interest of the Debtor and his estates and creditors.

**IT IS HEREBY ORDERED THAT:**

1. The Application is hereby APPROVED.
2. The Debtor is authorized to retain Canfield Wells, LLP as his counsel in this Chapter 11 case, pursuant to Section 327 of the Bankruptcy Code as of the petition date, November 17, 2020.
3. Canfield Wells, LLP is authorized to perform any and all legal services for the Debtor that are necessary or appropriate in connection with the Chapter 11 case, as described in the Application.
4. Canfield Wells, LLP shall be compensated for such services and reimbursed for any related expenses as provided in the Application, and in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and any further orders of this Court.
5. Canfield Wells, LLP shall not apply any portion of the retainer paid by Lewis E. Wilkerson, Jr. to fees and expenses incurred from and after the petition date, November 17, 2020, unless and until authorized to do so by further order of this Court.

Enter:    /    /

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Bankruptcy Judge

I ask for this:



Robert A. Canfield, VSB No. 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600

Seen and not objected to:

John P. Fitzgerald, III, United States Trustee  
Kathryn R. Montgomery, Assistant United States Trustee  
Office of the US Trustee  
701 E. Broad Street, Ste. 4304  
Richmond, VA 23219

Peter J. Barrett, Subchapter V Trustee  
Kutak Rock LLP  
901 East Byrd Street, Suite 1000  
Richmond, VA 23219

**CERTIFICATION**

Pursuant to Local Rule 9022-1(C), I hereby certify that all necessary parties have endorsed the above order.

\_\_\_\_\_  
Counsel for Debtor

Copy to: All parties on attached mailing matrix.

Ally Financial  
P.O. Box 380902  
Minneapolis, MN 55438

American Express  
PO Box 650448  
Dallas, TX 75265

Apple Advance Corp  
550 Fairway Dr, Ste 103B  
Deerfield Beach, FL 33441

Arc3 Gases  
PO Box 26269  
Richmond, VA 23260

ARM Solutions, Inc  
PO Box 2929  
Camarillo, CA 93011

Bank of America  
PO Box 982238  
El Paso, TX 79998

Bank of Charlotte County  
PO Box 336  
Phenix, VA 23959

Bank of Charlotte County  
PO Box 2711  
Omaha, NE 68103-2711

Bank of the West  
PO Box 2078  
Omaha, NE 68103-2078

Barclay's Juniper MC  
PO Box 13337  
Philadelphia, PA 19101-0000

BMO Transportation Finance  
BMO Harris Bank NA  
PO Box 71951  
Chicago, IL 60694-1951

Can Capital, Inc.  
WebBank c/o Can Capital  
2015 Vaughan Rd, NW, Bldg 500  
Kennesaw, GA 30144

Capital One  
PO Box 71083  
Charlotte, NC 28272

Carter Machinery Co, Inc.  
PO Box 751053  
Charlotte, NC 28275-1053

CAT Commercial Revolving Card  
Dept. 33-8025507039  
PO Box 78004  
Phoenix, AZ 85062

Caterpillar Financial SvcsCorp  
PO Box 730669  
Dallas, TX 75373

CFS Group  
PO Box 580203  
Charlotte, NC 28258-0203

Citizens Bank N.A.  
One Citizens Bank Way  
JCA115  
Johnston, Rhode Island 02919

Citizens Bank NA  
PO Box 255587  
Sacramento, CA 95865

Colony Tire Corp #33  
2900 Deepwater Terminal  
Richmond, VA 23234

Cumberland State Forest  
State Forester of Va  
751 Oak Hill Road  
Cumberland, VA 23040

Daimler Truck Financial  
13650 Heritage Parkway  
Fort Worth, TX 76177

David J. & Pat Smith  
56 Wexford Club Drive  
Hilton Head Island, SC 29928

Dawn H. Wilkerson  
390 Maple Road  
Keysville, VA 23947



De Lage Landen Financial Svcs  
PO Box 41602  
Philadelphia, PA 19101

Essex Bank  
9954 Mayland Drive, Ste 2100  
Henrico, VA 23233

Everest Business Funding  
5 West 37th St, Ste 1100  
New York, NY 10018

Farmers Bank of Appomattox  
PO Box 216  
Appomattox, VA 24522

Flaminia Investments, LLC  
2610 Business Drive  
Cumming, GA 30028

FNB Equipment  
1853 Highway 315  
Pittston, PA 18640

Fred C. & Jane E. Howell  
104 Clopton Court  
Lynchburg, VA 24503

GM Financial  
PO Box 183593  
Arlington, TX 76096

Hancock Natural Resource Group  
197 Clarendon St C-08-99  
Boston, MA 02116

Home Loan Investment Bank  
1 Home Loan Plaza  
Warwick, RI 02886

Home Loan Investment Bank, FSB  
c/o Samuel I. White, PC  
596 Lynnhaven Parkway, Ste 200  
Virginia Beach, VA 23452

Internal Revenue Service  
P.O.Box 7346  
Philadelphia, PA 19101

IPFS Corporation  
PO Box 412086  
Kansas City, MO 64141

Knight Capital Funding  
9 E. Loockerman St, #202-543  
Dover, DE 19901

Paccar Financial  
240 Gibraltar Rd, Ste 200  
Horsham, PA 19044-2361

Parker Fuel Freedom  
PO Box 142  
South Hill, VA 23970

Parker Oil & Propane  
617 S. Main St  
Chase City, VA 23924

Parker Oil & Propane  
308 2nd St SE  
Chase City, VA 23911

Parker Oil & Propane  
2000 W. Third St  
Farmville, VA 23901

Robert E. Dixon  
c/o FlorenceGordanBrown, P.C.  
901 East Cart Street  
Richmond, VA 23219

SelectPortfolio Servicing, Inc  
PO Box 65450  
Salt Lake City, UT 84165

SonaBank  
P.O. Box 2075  
Ashland, VA 23005

Sonabank Commerec Bnking  
PO Box 2075  
Ashland, VA 23005

Spartan Capital Funding, LLC  
104 E. 25th St, 10th Floor  
New York, NY 10010

SwiftFinancial,LLC/Loanbuilder  
a PayPal service  
3505 Silverside Road  
Wilmington, DE 19810

The Bank of Charlotte County  
PO Box 336  
Phenix, VA 23959

The Carrington Co., LLC  
203 Archway Court  
Lynchburg, VA 24502

Timbervest Partners III VA  
c/o Thompson McMullan, P.C.  
100 Shockoe Slip. Third Floor  
Richmond, VA 23219

Truck Enterprises, Inc.  
3440 S. Main Street  
Harrisonburg, VA 22801

U.S. Trustee's Office  
701 E. Broad Street  
Suite 4000  
Richmond, VA 23219

Union Funding Source  
780 Long Beach Blvd  
Long Beach, NY 11561

Unique Funding Solutions  
2715 Coney Island Ave  
Brooklyn, NY 11235

Universal Platinum Fleet Progr  
PO Box 1239  
Covington, LA 70434

Verizon  
PO Box 16801  
Newark, NJ 07101

Verizon Connect Fleetmatics  
1100 Winter Street  
Suite 4600  
Waltham, MA 02451

Wells Fargo  
PO Box 77053  
Minneapolis, MN 55480

WST Products LLC  
PO Box 270  
Keysville, VA 23947